

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

CONFERENCE COMMITTEE SUBSTITUTE

FOR ENGROSSED

SENATE BILL 193

By: Pemberton of the Senate

and

McBride and Hasenbeck of  
the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to schools; amending 70 O.S. 2011, Section 3-104.4, as last amended by Section 27, Chapter 42, O.S.L. 2017 (70 O.S. Supp. 2018, Section 3-104.4), which relates to standards for accreditation of schools; modifying circumstances for withdrawal or denial of accreditation and assessment of certain penalty for failure to meet media program standards; directing certain prohibition to cease if certain funding amount is appropriated; providing exception; modifying circumstances for assessing financial penalties against school districts; directing certain prohibition to cease in certain fiscal year if certain funding amount is appropriated; providing exception; directing the State Department of Education to submit certain report on class sizes by certain date; amending 70 O.S. 2011, Section 3-167, as last amended by Section 2, Chapter 253, O.S.L. 2016 (70 O.S. Supp. 2018, Section 3-167), which relates to advisory councils; modifying circumstances under which school districts are exempt from certain advisory council requirements; removing prohibition if certain funding amount is appropriated; providing exception; amending 70 O.S. 2011, Section 16-111, as last amended by Section 3, Chapter 253, O.S.L. 2016 (70 O.S. Supp. 2018, Section 16-111), which relates to textbook adoption; modifying circumstances under which school districts are exempt from textbook adoption requirements; directing prohibition to cease if

1       certain funding amount is appropriated; providing  
2       exception; providing an effective date; and declaring  
3       an emergency.

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5 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

6       SECTION 1.       AMENDATORY       70 O.S. 2011, Section 3-104.4, as  
7       last amended by Section 27, Chapter 42, O.S.L. 2017 (70 O.S. Supp.  
8       2018, Section 3-104.4), is amended to read as follows:

9       Section 3-104.4. A. On or before February 1, 1991, the State  
10      Board of Education shall adopt standards for the accreditation of  
11      the public schools in this state according to the requirements of  
12      this act, to be effective as set forth in this act. The  
13      accreditation standards shall incorporate the curricular standards  
14      established pursuant to Section 11-103.6 of this title. The  
15      accreditation standards shall equal or exceed the accreditation  
16      standards for schools promulgated by the North Central Association  
17      of Colleges and Schools to the extent that the standards are  
18      consistent with an academic results oriented approach to  
19      accreditation, excluding those standards which deal with affective  
20      behavior to the extent the adoption of the standards does not  
21      conflict with state statute. The accreditation adopted by the State  
22      Board shall encompass accreditation for elementary schools, middle  
23      schools, junior high schools, and high schools. The accreditation  
24

standards shall be made available for public inspection at the offices of the State Department of Education.

B. Standards for accreditation adopted by the State Board of Education shall include standards relating to the provision of school counselors to the public school children of this state. The State Board of Education shall require each local school district to provide information regarding the number of counselors serving each school site, the duties of all such counselors including all administrative duties, the number of students served by each counselor, and information regarding the number of counselors employed per elementary school, middle school, junior high school and high school.

C. Except as otherwise provided by subsection A of this section with regard to curricular standards, as a condition of receiving state accreditation pursuant to this act:

1. High schools shall meet the accreditation standards not later than June 30, 1995; and

2. Elementary, middle and junior high schools shall meet the accreditation standards not later than June 30, 1999.

Schools shall thereafter continue to meet the accreditation standards as a condition of continued accreditation. Nothing herein shall be construed as preventing changes to the adopted standards by the State Board of Education pursuant to the Administrative Procedures Act.

1       D. If one or more school sites fails to receive accreditation  
2 as required pursuant to this section by the dates set forth in  
3 subsection C of this section or subsequently loses accreditation,  
4 the State Board of Education shall close the school and reassign the  
5 students to accredited schools within the district or shall annex  
6 the district to one or more other districts in which the students  
7 can be educated in accredited schools.

8       E. Standards for accreditation adopted by the State Board of  
9 Education shall include standards relating to the provision of  
10 educational services provided in partial hospitalization programs,  
11 day treatment programs, day hospital programs, residential treatment  
12 programs and emergency shelter programs for persons between the ages  
13 of three (3) and twenty-one (21) years of age. The accreditation  
14 standards shall apply to onsite and offsite educational services  
15 provided by public school districts or state-accredited private  
16 schools. The accreditation standards shall provide for warnings,  
17 probation or nonaccredited status for schools that fail to meet the  
18 standards. Each school which is providing or is required to provide  
19 educational services for students placed in a program as described  
20 in this subsection shall be actively monitored by the State  
21 Department of Education. The Department shall determine on an  
22 ongoing basis if the educational program and services are in  
23 compliance with the accreditation standards. The Department shall  
24 investigate a complaint of failure to provide educational services

1 within ten (10) days of receiving the complaint. If the Department  
2 determines that a school has failed to comply with the accreditation  
3 standards the Department shall report the recommended warning,  
4 probation or nonaccredited accreditation status to the State Board  
5 of Education within sixty (60) days. If a school does not take  
6 action to comply with the accreditation standards within ninety (90)  
7 days after a report is filed by the Department, the Board shall  
8 withdraw accreditation for the school.

9 F. State Board accreditation regulations shall provide for  
10 warnings and for assistance to schools and school districts whenever  
11 there is reason to believe a school is in danger of losing its state  
12 accreditation.

13 G. The State Board shall provide assistance to districts in  
14 considering the possibility of meeting accreditation requirements  
15 through the use of nontraditional means of instruction. The State  
16 Board shall also assist districts in forming cooperatives and making  
17 arrangements for the use of satellite instruction or other  
18 instructional technologies to the extent that use of such  
19 instructional means meets accreditation standards.

20 H. 1. Accreditation shall not be withdrawn from or denied nor  
21 shall a penalty be assessed against a school or school district for  
22 failing to meet the media materials and equipment standards ~~and,~~  
23 media program expenditure standards and media personnel standards as  
24 set forth in the accreditation standards adopted by the Board.

1        2. The provisions of paragraph 1 of this subsection shall cease  
2 to be effective during ~~a~~ the fiscal year ~~immediately following a~~  
3 ~~fiscal year that the state financial support of public schools~~  
4 ~~provides an amount equal to or more than Three Thousand Two Hundred~~  
5 ~~Ninety-one Dollars and sixty cents (\$3,291.60) per weighted average~~  
6 ~~daily membership as calculated pursuant to Section 18-200.1 of this~~  
7 ~~title and reported to school districts by the State Department of~~  
8 ~~Education on the initial tentative State Aid allocation notice~~ which  
9 begins on the July 1 immediately succeeding the legislative session  
10 during which the measure appropriating monies to the State Board of  
11 Education for the financial support of public schools is enacted as  
12 law and such appropriation amount is at least Fifty Million Dollars  
13 (\$50,000,000.00) greater than the amount of money appropriated to  
14 the State Board of Education for the financial support of public  
15 schools for the fiscal year ending June 30, 2019, pursuant to  
16 Chapter 146, O.S.L. 2018. Provided, the Fifty Million Dollars  
17 (\$50,000,000.00) shall not include any amount of appropriations  
18 dedicated for support or certified employee salary increases.  
19 Accreditation shall not be withdrawn from or denied nor shall a  
20 penalty be assessed against a school or school district for failing  
21 to meet the media personnel standards as set forth in accreditation  
22 standards adopted by the Board.

23        3. ~~If the amount set and calculated as provided for in~~  
24 ~~paragraph 2 of this subsection is reduced by one percent (1%) or~~

~~more as reported to school districts by the Department on the initial tentative State Aid allocation notice for the following fiscal year, the provisions of paragraph 2 of this subsection shall cease to be effective and the provisions of paragraph 1 of this subsection shall continue to be effective.~~

I. 1. The State Board shall not assess a financial penalty against any school district which is given a deficiency in accreditation status during any fiscal year as provided for in this subsection.

~~2. The provisions of paragraph 1 of this subsection shall cease to be effective during a fiscal year immediately following a fiscal year that the state financial support of public schools provides an amount equal to or more than Three Thousand Two Hundred Ninety one Dollars and sixty cents (\$3,291.60) per weighted average daily membership as calculated pursuant to Section 18-200.1 of this title and reported to school districts by the State Department of Education on the initial tentative State Aid allocation notice~~  
Beginning with the fiscal year which begins July 1, 2021, if the amount of money appropriated to the State Board of Education for the financial support of public schools is at least One Hundred Million Dollars (\$100,000,000.00) greater than the amount of money appropriated to the State Board of Education for the financial support of public schools for the fiscal year ending June 30, 2019, pursuant to Chapter 146, O.S.L. 2018, a financial penalty shall be

1 assessed against any school districts that do not comply with the  
2 class size limitations for kindergarten as provided for in Section  
3 18-113.2 of this title and class size limitations for grade one as  
4 provided for in subsection A of Section 18-113.1 of this title.  
5 Provided, the One Hundred Million Dollars (\$100,000,000.00) shall  
6 not include any amount of appropriations dedicated for support or  
7 certified employee salary increases.

8       3. ~~If the amount set and calculated as provided for in~~  
9 ~~paragraph 2 of this subsection is reduced by one percent (1%) or~~  
10 ~~more as reported to school districts by the Department on the~~  
11 ~~initial tentative State Aid allocation notice for the following~~  
12 ~~fiscal year, the provisions of paragraph 2 of this subsection shall~~  
13 ~~cease to be effective and the provisions of paragraph 1 of this~~  
14 ~~subsection shall continue to be effective~~ The State Department of  
15 Education shall submit a report on statewide classroom sizes to the  
16 President Pro Tempore of the Oklahoma State Senate and the Speaker  
17 of the Oklahoma House of Representatives no later than January 1,  
18 2022.

19       J. Accreditation shall not be withdrawn from or denied, nor  
20 shall a penalty be assessed against, a school district for complying  
21 with this section.

22       SECTION 2.       AMENDATORY       70 O.S. 2011, Section 3-167, as  
23 last amended by Section 2, Chapter 253, O.S.L. 2016 (70 O.S. Supp.  
24 2018, Section 3-167), is amended to read as follows:



1 Section 3-167. A. 1. The State Board of Education shall  
2 exempt all school districts from or waive any policy, rule or law  
3 which requires school districts to form, convene, or participate in  
4 any advisory council or committee, including but not limited to the  
5 requirement to convene an advisory council when preparing the school  
6 improvement plan as set forth in Section 5-117.4 of this title.

7 2. The provisions of paragraph 1 of this subsection shall cease  
8 to be effective during a the fiscal year ~~immediately following a~~  
9 ~~fiscal year that the state financial support of public schools~~  
10 ~~provides an amount equal to or more than Three Thousand Two Hundred~~  
11 ~~Ninety one Dollars and sixty cents (\$3,291.60) per weighted average~~  
12 ~~daily membership as calculated pursuant to Section 18-200.1 of this~~  
13 ~~title and reported to school districts by the State Department of~~  
14 ~~Education on the initial tentative State Aid allocation notice~~ which  
15 begins on the July 1 immediately succeeding the legislative session  
16 during which the measure appropriating monies to the State Board of  
17 Education for the financial support of public schools is enacted as  
18 law and such appropriation amount is at least Fifty Million Dollars  
19 (\$50,000,000.00) greater than the amount of money appropriated to  
20 the State Board of Education for the financial support of public  
21 schools for the fiscal year ending June 30, 2019, pursuant to  
22 Chapter 146, O.S.L. 2018. Provided, the Fifty Million Dollars  
23 (\$50,000,000.00) shall not include any amount of appropriations  
24 dedicated for support or certified employee salary increases.

1       ~~3. If the amount set and calculated as provided for in~~  
2 ~~paragraph 2 of this subsection is reduced by one percent (1%) or~~  
3 ~~more as reported to school districts by the Department on the~~  
4 ~~initial tentative State Aid allocation notice for the following~~  
5 ~~fiscal year, the provisions of paragraph 2 of this subsection shall~~  
6 ~~cease to be effective and the provisions of paragraph 1 of this~~  
7 ~~subsection shall continue to be effective.~~

8       B. School districts shall not be exempted from forming,  
9 convening or participating in an advisory council or committee if  
10 required by federal law or regulation.

11       SECTION 3.       AMENDATORY       70 O.S. 2011, Section 16-111, as  
12 last amended by Section 3, Chapter 253, O.S.L. 2016 (70 O.S. Supp.  
13 2018, Section 16-111), is amended to read as follows:

14       Section 16-111. A. Except as otherwise provided for in  
15 subsection E of this section, the superintendent of schools of each  
16 school district in the state shall appoint a local textbook  
17 committee consisting of not fewer than three nor more than nine  
18 members. Each committee shall have one lay member, with the  
19 remainder of the members being teachers employed in the public  
20 schools of the district, a majority of whom shall be classroom  
21 teachers. The superintendent of schools or a designee who shall be  
22 a principal or a curriculum specialist shall serve as chairperson of  
23 the local textbook committee.

1       B. Upon the written request of any duly appointed local  
2 textbook coordinator, the publisher of a textbook selected by the  
3 State Textbook Committee shall furnish at least one examination copy  
4 of the textbook and the teacher edition of the textbook, if one is  
5 published, and a copy of software for purposes of complete  
6 demonstration and review, if available, to the school district so  
7 that the local textbook committee may examine any or all new  
8 adoptions in the subjects taught or to be taught in schools in the  
9 district.

10       C. Except as otherwise provided for in subsection E of this  
11 section, on or before a date to be fixed by the State Board of  
12 Education, each local textbook committee shall adopt textbooks from  
13 the multiple list selected by the State Textbook Committee in a  
14 manner as shall be prescribed by the State Board of Education. Each  
15 local textbook committee shall serve without compensation and shall  
16 cease to exist when local adoptions have been completed and shall be  
17 replaced by another local textbook committee appointed in the same  
18 manner as provided for in this section.

19       D. Except as otherwise provided for in subsection E of this  
20 section, on or before a date to be fixed by the State Board of  
21 Education, the superintendent of each school district shall submit  
22 to the State Board of Education a textbook plan outlining the  
23 estimated number of textbooks needed by the school district and the  
24 total amount of money to be expended by the district for textbooks

1 including the allocated funds and any additional supplemental funds  
2 to be expended. The superintendent or textbook coordinator  
3 appointed by the superintendent, shall place orders from the proper  
4 depository or depositories for all of the textbooks needed as  
5 outlined in the textbook plan by the district for the ensuing year.  
6 The superintendent of a school district or textbook coordinator may  
7 order any textbooks placed on the official multiple textbook list.  
8 If the order exceeds the allocation for each school district as  
9 provided in Section 16-114a of this title any additional funds  
10 expended shall be reported on the statement of expenditures for the  
11 district.

12 E. 1. If a school district makes the election as provided for  
13 in subsection B of Section 16-114a of this title, the district shall  
14 not be required to appoint a local textbook committee, adopt  
15 textbooks, submit a textbook plan, or expend money on the purchase  
16 of textbooks during any fiscal year as provided for in this  
17 subsection.

18 2. The provisions of paragraph 1 of this subsection shall cease  
19 to be effective during ~~a~~ the fiscal year ~~immediately following a~~  
20 ~~fiscal year that the state financial support of public schools~~  
21 ~~provides an amount equal to or more than Three Thousand Two Hundred~~  
22 ~~Ninety-one Dollars and sixty cents (\$3,291.60) per weighted average~~  
23 ~~daily membership as calculated pursuant to Section 18-200.1 of this~~  
24 ~~title and reported to school districts by the State Department of~~

~~Education on the initial tentative State Aid allocation notice which begins on the July 1 immediately succeeding the legislative session during which the measure appropriating monies to the State Board of Education for the financial support of public schools is enacted as law and such appropriation amount is at least Fifty Million Dollars (\$50,000,000.00) greater than the amount of money appropriated to the State Board of Education for the financial support of public schools for the fiscal year ending June 30, 2019, pursuant to Chapter 146, O.S.L. 2018. Provided, the Fifty Million Dollars (\$50,000,000.00) shall not include any amount of appropriations dedicated for support or certified employee salary increases.~~

~~3. If the amount set and calculated as provided for in paragraph 2 of this subsection is reduced by one percent (1%) or more as reported to school districts by the Department on the initial tentative State Aid allocation notice for the following fiscal year, the provisions of paragraph 2 of this subsection shall cease to be effective and the provisions of paragraph 1 of this subsection shall continue to be effective.~~

SECTION 4. This act shall become effective July 1, 2019.

SECTION 5. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

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